

Entered on Docket

March 14, 2011

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed: March 14, 2011

EDWARD D. JELLEN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re Case No. 10-43310 J
JAMES EARL ROGERS, JR., Chapter 13

Debtor./

MEMORANDUM RE SECOND MOTION FOR RECONSIDERATION

James Earl Rogers, Jr., the above debtor ("Rogers"), has requested this court to reconsider its Order filed May 13, 2010 dismissing this chapter 13 case. The court had ruled at a hearing held February 14, 2011 that it intended to dismiss this case, but stayed dismissal until March 7, 2011 to allow Rogers to request reconsideration of the dismissal. Rogers requested reconsideration. A hearing was held on said date, at which U.S. Bank and Martha Bronitsky, chapter 13 trustee, opposed reconsideration. The court ruled that it would deny Rogers's motion.

Rogers now claims that he did not have adequate time to respond to U.S. Bank's opposition to his motion for reconsideration, and that he has additional information he wishes the court to consider. Rogers alleges, among other things, that U.S. Bank wrongfully

MEMORANDUM

1 instituted foreclosure proceedings against his property, overcharged
2 him, wrongfully refused to credit payments made, defrauded him in
3 the loan process, and illegally increased the interest rate on his
4 loan. Rogers states that he intends to retain counsel to assist him
5 in a lawsuit against U.S. Bank.

6 The foregoing allegations by Rogers relate to issues of
7 California law, and are best resolved in a forum other than the
8 bankruptcy court. The court will therefore deny reconsideration,
9 but will stay its Order of Dismissal filed May 13, 2010 until March
10 23, 2011 to provide Rogers with additional time to retain counsel,
11 if he so wishes.

END OF ORDER

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COURT SERVICE LIST

2 || All Recipients

MEMORANDUM

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